

REMARKS

Claims 2-14 remain in the application. Claims 2 and 4-8 have been amended hereby. Claims 11-14 have been added hereby. Claim 1 has been canceled hereby without prejudice or disclaimer. It is submitted that no new matter has been added and no new issues have been raised by the present Amendment.

Claims 5-8 and 10 were rejected under 35 U.S.C. 102(e) as allegedly anticipated by U.S. Patent No. 6,111,955, to Mizikovsky et al.

Mizikovsky et al. relates to a method for distributing a security code,  $A_{13}$ , to a cellular telephone. The security code is used to authenticate the cellular telephone with the cellular network. The cellular telephone holds a key X. The cellular telephone requests that an Authorization Center (AC) assign a security code to the cellular telephone. The AC selects a security code, and encrypts it, such that key X can be used to decrypt the code without the AC knowing the key X.

With respect to claim 5, claim 5 is patentably distinct from the cited art for at least the reasons presented below with respect to claim 9, from which claim 5 now depends.

With respect to claim 14, claim 14 is patentably distinct from the cited art for at least the reasons presented below with

respect to claim 10, from which claim 14 now depends.

With respect to claims 6 and 12, Mizikovsky et al. fails to teach or suggest that "the key is transmitted in the form of a short message (SM) via a signaling channel in the mobile radio network." The transmission of the key in the form of a short message (SM) (otherwise known as an SMS or text message) neither appears in the portions of Mizikovsky et al. cited by the examiner, not anywhere else in Mizikovsky et al. Therefore claims 6 and 12 are patentably distinct from the cited art.

Claim 6 is also patentably distinct from the cited art for at least the reasons presented below with respect to claim 9, from which claim 6 now depends.

Claim 12 is also patentably distinct from the cited art for at least the reasons presented below with respect to claim 10, from which claim 12 depends.

With respect to claims 7 and 13, Mizikovsky et al. is silent as to checking the subscriber's authorization by evaluating a mobile subscriber telephone number (MSISDN) for the subscriber. In fact, Mizikovsky et al. teaches away from checking the subscriber's authorization by evaluating a mobile subscriber telephone number (MSISDN) as in Mizikovsky et al., authentication is achieved using an ESN/A<sub>13</sub> pair. Therefore

claims 7 and 13 are patentably distinct from the cited art.

Claim 7 is also patentably distinct from the cited art for at least the reasons presented below with respect to claim 9, from which claim 7 now depends.

Claim 13 is also patentably distinct from the cited art for at least the reasons presented below with respect to claim 10, from which claim 13 depends.

With respect to claims 8 and 10, Mizikovsky fails to teach that the key ( $A_{13}$ ) is transmitted to the mobile station or terminal of the subscriber and to the one or more added value service nodes. Therefore claims 8 and 10 are patentably distinct from the cited art.

Claim 8 is also patentably distinct from the cited art for at least the reasons presented below with respect to claim 9, from which claim 8 now depends.

Claims 2-4 and 9 were rejected under 35 U.S.C. 103(a) as allegedly unpatentable over U.S. Patent No. 6,111,955, to Mizikovsky et al. in view of U.S. Patent No. 6,338,140, to Owens et al.

Owens et al. relates to a method and system for validation and/or authentication of the identity of subscribers in a communications network such as a wireless, digital, cellular

and/or satellite communications system. A subscriber or user of an insecure communication system enters a random PIN, and a telephone number of whom he wishes to call. The random PIN provides a digital signature to the telephone number. An authentication center authenticates the user by verifying the digital signature and updating a user profile to permit a call only to the telephone number in the sequence dialed by the user.

With respect to claims 2, 3 and 9, neither Mizikovsky et al. nor Owens et al., alone or taken together, teach or suggest the use of a SIM application toolkit. In col. 3, lines 25-49, Owens et al., refers to a SIM smart card but is silent on a SIM application toolkit carrying out an end-to-end encryption between the mobile station and the security device. Therefore claims 2, 3 and 9 are patentably distinct from the cited art.

Claims 2 and 3 are also patentably distinct from the cited art for at least the reasons presented above with respect to claim 10, from which claims 2 and 3 depend.

With respect to claims 4 and 11, neither Mizikovsky et al. nor Owens et al., alone or taken together, teach or suggest a protected memory area in the SIM for storing the security key. Therefore claims 4 and 11 are patentably distinct from the cited art.

Claim 4 is also patentably distinct from the cited art for at least the reasons presented above with respect to claim 9, from which claim 4 now depends.

Claim 11 is also patentably distinct from the cited art for at least the reasons presented above with respect to claim 10, from which claim 11 depends.

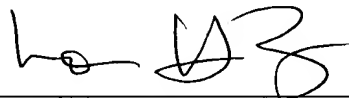
Therefore, by reason of the amendments made to the claims, as well as the above remarks, it is respectfully submitted that the method of distributing keys to subscribers of communications networks, as taught by the present invention and as recited in the amended claims, is neither shown nor suggested in the cited references.

The references cited as of interest have been reviewed and are not seen to show or suggest the present invention as recited in the amended claims.

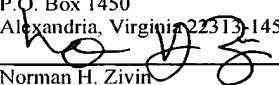
The Office is hereby authorized to charge any additional fees that may be required in connection with this amendment and to credit any overpayment to our Deposit Account No. 03-3125.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,



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I hereby certify that this paper is being deposited this date with the U.S. Postal Service as first class mail addressed to: Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450	
 Norman H. Zivin Reg. No. 25,385	<u>12/5/05</u> Date

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